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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,528	07/09/2001	Ryusuke Yamaguchi	01407/LH	7097

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FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
767 THIRD AVENUE
25TH FLOOR
NEW YORK, NY 10017-2023

EXAMINER

TRAN, NHAN T

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 02/25/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/901,528

Applicant(s)

YAMAGUCHI ET AL.

Examiner

Nhan T. Tran

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 8, 10-14, 18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) 4-7, 9, 15-17 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8, 10-14, 18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 4 – 7, 9, 15 – 17 and 19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 5.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 8, 11, 12 & 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Takashima et al (US 5,596,366).

Regarding claim 1, Takashima discloses a portable image pickup apparatus (a video camera) comprising:

an apparatus proper that comprises a camera unit (12), a lens for the camera unit (14), and a band attached to a band attaching unit of the apparatus proper for wearing the apparatus proper on a user's body (see Fig. 1);

Art Unit: 2615

an attachment (46) attachable to the apparatus proper so as to avoid the band-attaching unit, the attachment having a light transmission part that covers at least said lens (see Fig. 1 and col. 6, lines 19-25).

Regarding claim 8, the transmission part of the attachment has a special image effect pickup function (image blur correction) for producing a special image pickup effect in image pickup (see col. 6, lines 19-34).

Regarding claim 11, Takashima also shows that the apparatus proper comprises a pair of band attaching units each provided at a respective one of ends thereof for attaching a wristband thereto (see Fig. 1).

Regarding claim 12, see the analysis in claim 1.

Regarding claim 18, see the analysis in claim 8.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2615

3. Claims 1 – 3, 12 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakai et al (US Des. 427,918) in view of Hanada Yoshimasa (JP 10-192020)

Regarding claim 1, Nakai discloses a portable image pickup apparatus (watch case with electronic still camera) comprising an apparatus proper that comprises a camera unit, a lens for the camera, a band-attaching unit for attaching a band (see Figs. 1 - 3 and description, wherein the lens and band-attaching unit are inherent as shown).

Nakai does not show a band attached to the band-attaching unit of the watch case and an attachment attachable to the apparatus proper so as to avoid band-attaching unit wherein the attachment having a light transmission part that covers at least the lens. Hanada teaches a watch having a band attached to its attaching unit (Fig. 1). Also taught by Hanada is an attachment (1) made of transparent material for attaching personal belongings including a watch so that the elements covered by the attachment can be visible to the user (see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art to attach a band to the attaching unit of the watch case in Nakai for a user to wear on his body in a well known, conventional way, and further provide an transparent attachment without interfering with the band-attaching unit of the watch case to protect the camera lens from dirt or scratch.

Regarding claim 2, Hanada also shows a hook (1c) to engage with an outer surface of the apparatus being attached (see Fig. 1).

Art Unit: 2615

Regarding claim 3, it is clear that the hook (1c) is integral with the attachment as shown in Fig. 1 in Hanada.

Regarding claims 12 - 14, see the analysis in claims 1 - 3, respectively.

4. Claims 10 & 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakai et al and Hanada as applied to claim 1 and in further view of Kita Kazunori (JP 62-009289).

Regarding claim 10, apparently shown in Nakai, the watch includes a display (Fig. 2). Hanada shows the attachment having the shape such that the transparent portions 1A and 1B align with the display unit and the lens unit in Nakai, respectively.

Although Nakai is silent about the display for displaying a picked-up image, Kita teaches an electronic wrist watch with camera having a display (2) for displaying a captured image (see Abstract and Fig. 1).

Therefore, it would have been obvious to one of ordinary skill in the art to enable the display in Nakai to display an image captured by the camera unit for the user to view the captured image.

Regarding claim 20, see the analysis in claim 10.

Art Unit: 2615

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (703) 605-4246. The examiner can normally be reached on Monday - Thursday, 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NT.



ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600